

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

COREY HAYNES,)	
)	
Plaintiff,)	8:10CV342
)	
v.)	
)	
FBG SERVICE CORPORATION,)	MEMORANDUM AND ORDER
)	
Defendant.)	
_____)	

This matter is before the Court on plaintiff's Motion to Appoint Counsel (Filing No. [17](#)) and Motion to Extend (Filing No. [24](#)). Regarding the Motion to Appoint Counsel, the Court notes that it cannot routinely appoint counsel in civil cases. In [Davis v. Scott, 94 F.3d 444, 447 \(8th Cir. 1996\)](#), the Eighth Circuit Court of Appeals explained that "[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel. . . . The trial court has broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel" [Id.](#) (quotation and citation omitted). No such benefit is apparent here. The request for the appointment of counsel will be denied without prejudice.

Plaintiff also seeks a Motion to Extend, presumably to respond to the pending Motion to Compel (Filing No. [24](#)). For good cause shown, the Motion to Extend will be granted and plaintiff shall have additional time to respond to the Motion to Compel (Filing No. [20](#)), as set forth below.

Also pending before the Court is defendant's Motion to Strike Unopposed Motion to Quash (Filing No. [19](#)). In the its Motion to Strike, defendant states that Filing No. [18](#), titled "Unopposed Motion to Quash," was incorrectly filed in CM/ECF. (*Id.*) Defendant states that it will file a corrected motion, which it has done. (See Filing No. [20](#).) The Court will allow the correction of this filing error.

IT IS ORDERED:

1) Plaintiff's Motion to Appoint Counsel (Filing No. [17](#)) is denied.

2) Plaintiff's Motion to Extend (Filing No. [24](#)) is granted. Plaintiff shall have until March 25, 2011, to file a response to defendant's pending Motion to Compel. If no response is filed by that date, the Court will rule on the Motion to Compel without further notice.

3) Defendant's Motion to Strike Unopposed Motion to Quash (Filing No. [19](#)) is granted. The clerk of the court is directed to strike Filing No. [18](#) from the record. Filing No. [20](#) remains pending.

DATED this 15th day of March, 2011.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court

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